IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

BILLIE MONROE	§	
	§	
Plaintiff	§	
	§	
VS.	§	CIVIL ACTION NO. _____
	§	
WALMART STORES TEXAS, LLC	§	

PLAINTIFF'S ORIGINAL COMPLAINT

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW BILLIE MONROE, and files this her Original Complaint, and in support

thereof would respectfully show unto the Court the following:

I. PARTIES

1.   BILLIE MONROE is a citizen of the State of Oklahoma, residing at HC 70 Box

1367, Antlers, OK 74523.

2.   WALMART STORES TEXAS, LLC is a Delaware corporation, doing business in

the State of Texas, with its principal place of business in Bentonville, Arkansas. Defendant

WALMART STORES TEXAS, LLC may be served through its Registered Agent for Service, C. T.

Corporation System, 350 N. St. Paul St., Suite 2900, Dallas, Texas 75201-4234.

II. JURISDICTION AND VENUE

3.   This Court has jurisdiction under Title 28 U.S.C. 1332(a) in that there is complete

diversity of citizenship between BILLIE MONROE and WALMART STORES TEXAS, LLC.

4.   Venue is proper in the Eastern District of Texas in that the incident giving rise to

Plaintiff's claims in this case occurred in the Eastern District of Texas. Defendant committed the

acts of which Plaintiff complains in the Eastern District of Texas and Plaintiff's damages accrued in the Eastern District of Texas.

5.   Because venue is proper in the Eastern District of Texas, this suit is properly maintainable in any division of the Eastern District of Texas. *Mohamed v. Mazda Motor Co.*, 90 F. Supp. 2d 757 (E.D. Tex. 2000).

III. FACTUAL BACKGROUND

6.   On or about August 1, 2009, an unreasonably dangerous condition on the premises owned and operated by WALMART STORES TEXAS, LLC ("Walmart") in Paris, Lamar County, Texas caused BILLIE MONROE to fall to the floor near the dairy case, sustaining serious and permanently disabling injuries to her neck, back and extremities as well as other internal organs.

7.   Prior to the incident in question, WALMART, acting through its agents, servants and employees knew, or, in the exercise of ordinary care, should have known of the existence of the dangerous condition on its premises.

IV. CAUSES OF ACTION

A. Negligence

8.   BILLIE MONROE would show the Court that the conduct of WALMART described above reflected a total want of due care for the safety of others. In particular, WALMART knew, or, in the exercise of ordinary care, should have known, of the existence of the dangerous condition on it premises.

9.   Despite this actual and/or constructive knowledge of the danger presented by the condition of its premises, WALMART failed to use ordinary care to correct the dangerous condition and/or to warn BILLIE MONROE of its presence.

10.   At all relevant times, BILLIE MONROE exercised all due care for her own safety.

B. Gross Negligence

11.   BILLIE MONROE further alleges that the conduct of WALMART exhibited such total disregard for the substantial likelihood of serious injury to others as to warrant the imposition of exemplary damages under Texas law.

V. DAMAGES

12.   Since the time of the incident in question, BILLIE MONROE has been required to seek medical care for injuries she sustained and has incurred reasonable and necessary expenses for that care. BILLIE MONROE further makes claim for permanent disfigurement and the physical impairment and pain, suffering and mental anguish from which she has suffered constantly since the time of the incident. She will, in reasonable probability, require additional medical care in the future and will continue to suffer impairment, disfigurement, pain and mental anguish for the rest of her days. BILLIE MONROE further seeks recovery of her lost wages in the past and her lost earning capacity in the future.

VI. DEMAND FOR JURY

13.   Plaintiff demands a jury trial and tender the appropriate fee.

Respectfully submitted,

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